

COUNCIL AGENDA ITEM # ____ FOR
TUESDAY, July 13th, 2004

BUILDING PERMITS AND INSPECTIONS

MEMORANDUM
July 7th, 2004

CITY OF EL PASO - TEXAS
2004 JUL 8 AM 11 40

TO: The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM: Tom Maguire, Housing Compliance Supervisor

SUBJECT: 1324 Myrtle Avenue (Rep. District #8)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated April 2004. The building was found to be in an advanced state of disrepair. The building has been used as a harborage by unwanted persons.
- 2) A certified condemnation letter was mailed to Alicia Bustamante, 3208 Donegal Road, El Paso, Texas 79925.
- 3) Certified notices of the public hearing scheduled July 13th, 2004 were mailed to the owners and all interested parties on June 30th, 2004.
- 4) As of May 2004, there are no taxes owed.
- 5) There has been no response from the owner.

The Department recommends that it be found:

- 1) That the structure be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the building is not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structure can not be repaired; and
- 5) That the structure be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

COPY

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

BUILDING PERMITS AND INSPECTIONS
CODE COMPLIANCE
April 28, 2004

Alicia Bustamante

8

Re: 1324 Myrtle Avenue
Lots: 11 & 12
Blk: 32, Franklin Heights
Zoned: C-4
COD04-05388
Certified Mail Receipt #
7003 2260 0002 9957 4053

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- b. Regardless of its structural condition, unoccupied by its owners, lessees or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children; or

1324 Myrtle Avenue

- c. Boarded up, fenced, or otherwise secured in any manner in if:
 - i. The building constitutes a danger to the public even though secured entry, or
 - ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 1324 Myrtle Avenue has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit

1324 Myrtle Avenue

stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

A handwritten signature in black ink, appearing to read 'Leo CassoLopez', with a long horizontal flourish extending to the right.

Leo CassoLopez
Building Inspector

LC/rl

NOTICE OF PUBLIC HEARING

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 13th day of July, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 1324 Myrtle Avenue, in El Paso, Texas, which property is more particularly described as:

Lots: 11 and 12, Block 32, Franklin Heights, an Addition to the City of El Paso, El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Alicia P. Bustamante, 3208 Donegal Road, El Paso, Texas 79925-4148, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owners, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

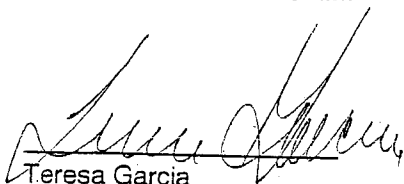
Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.


According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 15th day of June, 2004.

APPROVED AS TO FORM:


Teresa Garcia
Assistant City Attorney

APPROVED AS TO CONTENT:


Tom Maguire
Housing Compliance Supervisor

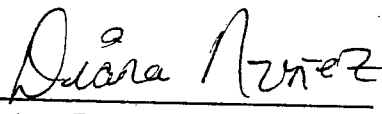
I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice June 15th, 2004 regarding the property located at 1324 Myrtle Avenue, was filed with the County Clerk's Office, the official public records of real property for El Paso County.

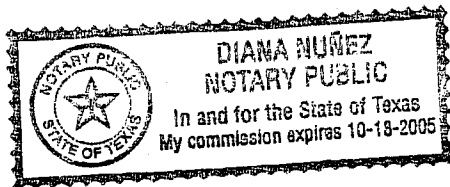

Richarda Duffy Momsen

Executed this 15th day of June, 2004 on behalf of
the City of El Paso, Texas, by Richarda Duffy Momsen in her capacity as City Clerk.


STATE OF TEXAS
COUNTY OF EL PASO

Subscribed and sworn to before me, this 16th day of June, 2004.


Notary Public



I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property located at 1324 Myrtle Avenue, was PUBLISHED in the official City newspaper on the 18th day of June, 2004.


Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property at 1324 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Alicia P. Bustamante
3208 Donegal Rd.
El Paso, Texas 79925-4148

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property at 1324 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Alicia P. Bustamante
1324 Myrtle Ave.
El Paso, Texas 79901

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property at 1324 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Harry and Jeanette Abraham
5761 Oak Cliff Dr.
El Paso, Texas 79912

Date: _____

Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property at 1324 Myrtle Avenue, was (HAND-DELIVERED) to:

City of El Paso
C/O City Clerk
#2 Civic Center Plaza
El Paso, TX 79901

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property at 1324 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe
AKA Tigua Indian Community
119 S. Old Pueblo Road
El Paso, Texas 79907

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice dated June 15th, 2004 regarding the property at 3124 Myrtle Avenue, was (MAILED CERTIFIED-RETURN RECEIPT REQUESTED) to:

El Paso Central Appraisal District
5801 Trowbridge Ave.
El Paso, Texas 79925

Date: _____
Time: _____

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 1324 Myrtle Avenue, El Paso, Texas.

Date: _____
Time: _____

Inspector



UNSAFE STRUCTURES REPORT

BUILDING PERMITS AND INSPECTIONS

DATE OF EXAMINATION: June 11, 2004

REP. DISTRICT: 8

ADDRESS: 1324 Myrtle Avenue

ZONED: C 4

LEGAL DESCRIPTION: Lots: 11 and 12, Block 32, Franklin Heights, an Addition to the City of El Paso, El Paso County, Texas

OWNER: Alicia P. Bustamante

ADDRESS:

BUILDING USE: Multi-family unit.

TYPE OF CONSTRUCTION: V, Brick walls with wood frame roof.

FOOTINGS: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

FOUNDATION WALL: Unable to determine.

CONDITION: Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition

FLOOR STRUCTURE: Wood frame with wood planks.

CONDITION: Bad – A registered contractor must be hired to evaluate the flooring system and submit a report of required corrections to bring the flooring system into compliance.

EXTERIOR WALLS: Adobe.

HEIGHT: 10'+/-

THICKNESS: 10"+/-

CONDITION: Bad. Due to lack of maintenance and exposure to the elements, most of the wall system is failing.

INTERIOR WALLS & CEILINGS: Wood frame with plaster.

CONDITION: Bad – The walls and ceilings will need to be repaired. A registered contractor should be hired to evaluate interior walls and ceilings of the building and submit a report on the corrections required to bring the building into compliance.

ROOF STRUCTURE: 2 x 6 wood rafters with build-up roofing.

CONDITION: Bad. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring roof structure into code compliance.

DOORS, WINDOWS, ETC.: Wooden doors, and wood frame windows.

CONDITION: Poor. Will need to replace or repair all doors and windows so they are operational and meet egress requirements.

MEANS OF EGRESS: Does not meet current code requirements.

CONDITION: Poor – Windows need replacing or repairs done to make them operational.

PLUMBING: Extremely poor. A licensed plumber should be hired to replace system.

ELECTRICAL: Extremely poor. A licensed electrical contractor should be hired to bring system up to code.

MECHANICAL: Extremely poor. A licensed mechanical contractor should be hired to make repairs to comply with code.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: none

WARNING POSTED: Yes

BARRICADED: No

POLICE AID REQD.: No

REMARKS: This is an abandoned multi-family dwelling. The exterior walls are showing signs of advanced deterioration. The structure should be demolished and the property cleaned of all weeds, trash and debris. A structural engineer should be hired to evaluate the structural elements of the building and submit a report on the corrections required to rehabilitate the building



Leo Casso-Lopez
Building Inspector

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to: LC

Alicia Bustamante

LT #3

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION, ON DELIVERY

A. Signature

X

Alicia Bustamante☐ Agent☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☒ No

3. Service Type

☒ Certified Mail☐ Express Mail☐ Registered☐ Return Receipt for Merchandise☐ Insured Mail☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

7003 2260 0002 9957 4053

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540